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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,744	03/19/2004	Amir Shahindoust	66329/00239	8274
23380 7590 12/11/2007 TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER WILLIAMS, KIMBERLY A	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 12/11/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/804,744	Applicant(s) SHAHINDOUST; AMIR	
	Examiner Kimberly A. Williams	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10-15,18-22 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,9,16,17 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-8,11-15,18-22 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn et al. (US 2003/0142345) in view of Yokoyama (US 2003/0137954).

Regarding **claim 1**, Bunn teaches a system for printing documents from a portable device (102), comprising: print request receiver means (printer 106 via print by reference 128) adapted for receiving a print request from an associated portable data device, wherein the print request includes reference data (e.g., URL) representative of an electronic document stored in a location other than the portable data device (archive file 132); testing for a first data connection type between the mobile client device and document processing device (para. 13 last two lines); document data receiver means (the proxy server 180 transmits the archive file to the printer 106); formatting means (remote print service 156 renders the content into printer-ready format); and communicating means (remote print service 156 transmits the rendered document to the printer; para. 21). **Claim 8** is the corresponding method of claim 1 and is rejected for the same reasons as above.

Bunn fails to specifically disclose testing for an alternative connection type between the portable and the document processing device when the step of testing indicates that the first data connection type is unavailable; and selecting a data connection type in accordance with at least one of the steps of testing.

Yokoyama teaches a printing (via printer 101) from a mobile device (104) wherein when Bluetooth radio communication has already been established and the radio communication with the mobile device is impossible, the printing device requests alternative processing (paras. 74-75).

Bunn could be modified with the alternative processing as taught by Yokoyama. This modification would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of allowing greater flexibility when it is desired to print.

Regarding **claim 4**, Bunn teaches that the mobile device may transmit security information to gain access to a secure web page (para 23 last line). **Claim 11** is the corresponding method of claim 4 and is rejected for the same reasons as above.

Regarding **claims 5 and 12**, please note para. 12, lines 8-11.

Regarding **claim 6**, the print-by-reference (128) is an application. **Claim 13** is the corresponding method of claim 6 and is rejected for the same reasons as above.

Regarding claim 3, Bunn teaches spooling the page description language document to the printer (106; para. 15).

Regarding **claim 7**, the print-by-reference (128) application operates on the mobile device (102). **Claim 14** is the corresponding method of claim 7 and is rejected for the same reasons as above.

Regarding **claims 15,18-22 and 25-28**, the method of Bunn may be embodied in software or code (fig. 3, para 26).

Art Unit: 2625

3. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn et al. in view of Yokoyama as applied to claims 1,8 and 22 above, and further in view of Nakagiri et al. (US 6924826).

Regarding **claims 10 and 24**, Bunn in view of Yokoyama fail to specifically disclose that the data is spooled prior to being formatted.

Nakagiri teaches document data that is generated from an application program wherein the data is spooled into an intermediate code before it is converted into a printer control command (fig. 3).

Bunn in view of Yokoyama could be modified to spool the data before it is formatted for printing as taught by Nakagiri. This modification would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of being able to edit the spooled data before it is formatted for the printer.

***Allowable Subject Matter***

4. Claims 2,3,9,16,17 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly A Williams  
Primary Examiner  
Art Unit 2625

KAW  
December 6, 2007